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ABSTRACT

This monograph, fourth in a series on labor development, focuses on child exploitation in the context of child labor. The collection of papers briefly discusses (1) the relation between conditions of poverty and the prevalence of child labor in developing countries: (2) the lack of effectiveness of labor legislation in preventing child exploitation in developing countries: (3) the negative effects of menial labor on the cognitive and physical development, health and social mobility of child workers: (4) considerations in setting minimum age laws concerning child labor: and (5) proposals to protect children who are obliged to work. Also included are the Declaration of the Rights of the Child as adopted by the United Nations General Assembly and two statements by the International Labor Organization Convention 138 and Recommendation 146 concerning minimum age for admission to employment. (SS)

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The World's Exploited Children: Growing Up Sadly

By William James Knight

U.S. Department of Labor
Bureau of International Labor Affairs
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February 1980

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Preface

This is the fourth in a series of occasional monographs in which the Department of Labor reports on international labor developments of interest in the United States.

The year just ended was by action of the United Nations the "International Year of the Child." Near its end, the General Assembly debated the subject with self-congratulatory language for all that the governments had done for children during 1979, and all they planned for the years to come. Child labor was hardly mentioned.

In fact, child exploitation is growing in many areas, as this monograph attests. It is a summary of last year's important studies on the subject of child labor. We publish it in the hope that Americans will be more understanding of the problems that lead to child labor and of the disastrous results.

The writer, William James Knight, recently retired as Deputy Director of Public Information at the International Labor Office in Geneva, Switzerland.

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Introduction

The plight of many of the world's children—those who are buffeted by political and social upheavals, those emaciated by famine and left homeless by floods, those abandoned by war—is known to most of us through newspapers and television. People everywhere react, often generously, to try to repair the harm before the child's future is marked indelibly.

But one scourge of the child goes on every day on every continent, quietly and little noticed. This is the exploitation of children at work, from the age of 5 in some places, in mines and on farms, in sweatshops and on city streets, even in homes, in almost every economic endeavor. The exploited children number in the millions, and their ranks are increasing in many countries.

They have no trade unions to look out for them, no votes and therefore no political strength, and hardly any hope for the future.

The plight of the exploited child worker was given greater visibility in 1979 than in many past years; this is one of the accomplishments of the United Nations' International Year of the Child. A number of organizations, including the United Nations itself, UNICEF, the International Labor Organization (ILO), and the Anti-Slavery Society, examined the situation on a global basis. The result is a clear picture of exploitation, deprivation, and physical and mental harm, to such a degree as to demand much more positive action on the part of more governments than was seen during the International Year.

The UN's Sub-Commission on Prevention of Discrimination and Protection of Minorities held hearings on exploited child workers throughout the year. It found exploitation widespread and on the increase and called on governments to provide adequate protective laws for working children and to enforce the existing laws. The Sub-Commission also asked one of its 26 expert-members, Mr. Abdelwahab Bouhdia of Tunisia, to prepare a special study on exploitation of child labor, to be ready in 1981.

Most of the hearings for the Sub-Commission were carried out by its Working Group on Slavery. It heard reports from the ILO, the International Children's Center, the Anti-Slavery Society, UNICEF, UNESCO, FAO, WHO, the Minority Rights Group, and the International Union for Child Welfare.

The ILO is the premiere organization in the international community dealing with the problem. The ILO has dealt with it since its beginning, in 1919, when its membership adopted the first international standard on the subject, for ratification by governments—Convention No. 6, Night Work of Young Persons (Industry). Ten more Conventions involving various sectors of work were adopted between 1919 and 1965. In 1973 all these were replaced by a single convention setting standards for all economic activity—No. 138, Minimum Age for Admission to Employment—and a corresponding recommendation.

ILO Conventions place the ILO in a leading position as gatherer of information on the various matters covered, because its governing body periodically asks all member countries to report on how they have given effect—or not given effect—to a selected Convention, whether or not it has been ratified by member nations. This procedure will be followed for Convention No. 138 for the year 1980; this means that governments will be thinking about how they have been taking care of their children. The ILO will soon have a comprehensive, worldwide report on how governments are dealing with the situation.

Meanwhile within the framework of the International Year, the ILO published a special study entitled *Children at Work*, which includes an analysis of the world situation, of the ill effects of child labor, the reasons behind it, and suggestions for action both short term and long term. It includes separate monographs on 10 different countries prepared by independent writers. It was the principal document of the year on child labor.

The Anti-Slavery Society, which in 1839 began its work for eradication of slavery and of servile forced labor, has provided studies to the UN concerning Morocco, Hong Kong, Colom-

bia, and India. Its Morocco study, on *Child Labour in Morocco's Carpet Industry*, was published in 1978. In October of 1979, it published a worldwide study entitled *Child Workers Today*. It is publishing the results of its India studies under the title *Child Labour in India*, by Sumanta Banerjee.

All reports so far show that the problem of working children is intrinsic to the problem of poverty. Children work, and are sent out to work by their parents, in order to survive, and to help their families survive. The Anti-Slavery Society report on India begins with the simple words:

> Childhood is a term which does not apply to many Indian children today. They go from swaddling clothes straight into working gear.

This sad fact, with its even more saddening effect on the human infant, repeated in many other countries at varying tender ages, goes unrecorded in the press. The following summary and analysis of the various studies made as part of the International Year of the Child represent an attempt to pull them all together in sharper focus. It is to be hoped that any new illumination that the year's activities have brought to the subject will result in action to help the world's working children.

Chapter I

Work or Perish

The more children in a family, the more hands there are to increase family income—this is widely believed in developing countries, where it is inconceivable that a child should be maintained without working.

Today's image of the work-exploited child is no longer that of the Lewis Hine photographs of weary boy mineworkers peering out of coal-blackened faces, nor of little girls and boys dangling from oversized stools in the world's factories. Rather, the image now is the filthy, tattered ragpicker in India; the load carrier trotting under his heavy burden in the city streets of Ecuador and Peru; the small shop wall-board workers handling defective ovens in Mexico; the little girl carpet weavers straining their eyes in Morocco and Pakistan; child workers whose services are sold by their parents in southern Italy; the child agricultural laborers in nearly all parts of the world.

The underlying problems in child labor have changed little since 19th-century children slaved away in the factories of the Western world. Poverty is still the villain, and the desire for cheap labor is its accomplice. Children are forced to work under appalling conditions for a pittance. Jobs are imposed on them by their families' need. These same jobs call for greater physical and psychological resources than children have; they are monotonous and harmful; they lead nowhere.

Millions of children in today's world grow up prematurely and sadly, their potential wasted by work imposed under conditions of exploitation. The sacrifice often is in vain; the situation is a vicious circle. On one hand, hiring children at lower wages deprives adults of jobs and increases unemployment; on the other hand, adults must send their children out to work for family income, because the adults can't find jobs for themselves. The child and the family lose in every possible way.

Here are examples of the exploitation of children in this, the 20th century.

In Morocco, perhaps one-third of the employees in the carpet industry are under 12, sometimes as many as three-fifths. The children often are only 8, 9, or 10 years old.

Hours are long: two factories work a 72-hour week; five work 60 to 64 hours a week. Half of those factories for which information is available exceed the 48-hour legal maximum for a week's work for adults.

Wages are meager, with so-called apprentices earning nothing. An annual holiday with pay—laid down by the law—is almost unknown.

In many factories the children look undernourished and overworked. While most factories and workshops have lavatories and running water, working conditions are often poor with bad lighting, inadequate ventilation, crowded looms.

Government establishments generally have better working conditions, but more than half of the working force of three state centers is made up of children under 12. In this respect, the state does not abide by its own legislation, for even apprentices under 12 are illegal.

The Italian press has reported repeatedly on

Children only 6 years old have been found working, although the usual age of entry into employment seems to be 8 or 9 years.

the increasing exploitation of children in southern Italy, and on one example that borders on bondage. Every year in early September, parents in Altamura, a town nestled against the mountains in Puglia, bring their children to the main square and sell their services to farmers and small businessmen operating clandestine factories, for earnings in cash or payment in kind (e.g., livestock feed).

A recent survey of 32 fifth-grade pupils in Altamura's elementary school revealed that 18 worked the entire year. They were employed mostly in shops, in bakeries, or on farms; most of these children worked 5 or 6 hours a day, but the four bakers worked 9 to 12 hours a day. In addition to the 18 who worked all year, 9 others worked in the summer in bars or on farms with their parents. The other five did not work.

Of the 27 who did work, 17 did so for people outside the family circle; virtually none of them had any contract because they were working illegally.

In Mexico City, more than 100,000 children between the ages of 7 and 14 roam the streets on their own. In 1973, 104,000 children between the ages of 8 and 11 and 372,000 between the ages of 12 and 14 were at work in Mexico City alone. The figures are expected to reach 126,000 and 450,000 by 1980. In 1977, a study carried out for the Confederation of Workers of Mexico placed the number of exploited 14-year-olds and younger at 1.5 million, with 200,000 others wandering about in search of the wherewithal to survive.

Typical of the jobs available to the children who roam the Mexico City streets is that of porter at the Merced central market. Since there are no regulations on maximum weight, children carry heavier loads than they should. They are harassed by supervisors, and bullied by elders doing the same work. What little they earn is sometimes taken from them on the pretext that they have no work permit.

In Peru, city children begin their working life almost as soon as they can get away from home, from about age 7.

They enter the world of work by various routes: As errand boys, as domestic servants, as street vendors. Through work, the children begin to manage by themselves and gain their independence; they learn to get up early, to look after themselves, to finish work they begin. The poor child finds his or her way about the streets, and at night returns home exhausted. They can be seen in the markets, in cinema entrances, at bus and railway terminals, in parking lots, and in the main squares.

In Thailand, 962,000 children between 11 and 14 were working in 1971. That was nearly 6 percent of the total labor force. The figures for 1976 were 985,000, or 5.3 percent of the labor force. One of the worst conditions is found in the glass industry. The smaller glass factories, which produce most of the glass, employ children from the age of 11. The factories are generally in frame houses, with floors of earth or cement, and rooms that are generally stuffy, hot, and poorly lighted. In contrast, the offices of the manager and office staff are well-lighted and air-conditioned.

Glass industry work is around-the-clock, with average working hours for children from 7:30 a.m. to about 5 p.m., with an hour off for lunch and several 15-minute breaks for recovering from the intense heat of glass production.

India has the world's largest child labor force, about 16.5 million children aged 5 to 14. They are employed on farms, in industry, in factories, as street venders, and as domestics.

Children only 6 years old have been found working, although the usual age of entry into employment seems to be 8 to 9 years. Boys of 10 and 12 have worked on regular contracts of several years' duration. In Bombay, 24.7 percent of working children begin work between the ages of 6 and 9; 48.4 percent between the ages of 10 and 22, and 26.9 percent between the ages of 13 and 15. One in every four children working in Bombay was below the age of 9 when he or she joined the labor force.

Most child workers are on the job more than 6

hours a day. Children in unlicensed dhabas (roadside cafes) and tea stalls often work more than 10 hours a day. The picture in domestic service is much the same; children usually work between 9 and 10 hours a day year round.

Of children under 12 subjected to a special survey in India, more than 25 percent were in an advanced stage of vitamin A deficiency. One in ten showed signs of riboflavin deficiency. Anemia and chronic bronchitis were common.

This illustrates one of today's most tragic social problems, one that is not only a blemish on the present but a mortgage on the future. The hope is that by analyzing the causes of exploitation of children, better solutions can perhaps be found than those that depend solely on legislation.

Child labor is one of the many elements that form part of the maladjustment between an advanced or developing economy and an outdated cultural phase lacking adequate capacity for response. In fact, traditional attitudes help spread child labor. The more children in a family, the more hands there are to increase family income—this is widely believed in developing countries where it is inconceivable that a child should be maintained without working.

Today's meager incomes, out of which savings are impossible, cannot be sacrificed in the hope that tomorrow's incomes and other benefits might be greater. It's work and survive today, or not be around at all for tomorrow.

Whenever children decide, or agree, to work to earn their living, they think they're making a decision for themselves. The truth is that this decision has already been made for them through the attitude of their parents and the social environment in which they live: They accept roles which turn them into both victims and involuntary accomplices of an unjust situation.

The parents do not consider they are committing a deliberate act of despotism. On the contrary, they believe they have a natural right to take advantage of all family resources; these generally can be counted only by the number of hands available for work.

Parents also think children are learning something that will be of value for their future. They do not realize that by starting children so early in unskilled work they are locking them into unskilled work for the rest of their lives. They fail to realize that work so early in life may well undermine both health and personality.

Chapter II

A Labor Force Outside the Law

No one knows for sure how many work-exploited children there are in the world, because this kind of work is clandestine in most countries; all parties want to conceal it.

The problem of child labor, which is generally illegal, cannot be solved through legislation alone.

Child labor is prohibited by law in nearly all countries. Yet, the many countries where children do in fact work can neither provide all the children with direct or indirect means of subsistence from other sources, nor make available to them the needed educational, cultural, and recreational facilities.

As a result, families cannot avoid illegally sending their children to work. Employers will continue to hire them illicitly, some as an act of humanity but most in their own self-interest, for greater profits. Since all this is outside the law, working conditions are untouched by legal requirements and therefore are very bad. Labor inspectors cannot cover the enormous scene effectively; often through sympathy, they simply look the other way.

Large numbers of children have only two alternatives—either break the law and go to work, or sink into enforced idleness in an environment offering few opportunities for schooling or chances to improve their lot. This leads to vagrancy and, often, delinquency.

Most, but not all, of today's work-exploited children are in developing countries, where tradition and a distorted economic framework force children to earn not just their own keep, but a full share of the family income. That share is important, considering the low levels of family income in the poorer countries.

It is taken for granted that children have to work; it is also taken for granted they will be paid low wages, and that working conditions will be bad. Needless to say, children, as labor's outlaws, have no trade unions to protect their rights. This is true even of those who are working legally, in countries where the legal age for work is 12 or 13. They make up a defenseless working group that has no chance of negotiating its conditions of work. The employer sets conditions unilaterally; or, if he doesn't want to shoulder the responsibility, he may shift the burden to the parents, or to a middleman such as Morocco's maalema, who recruits teams of girl carpet weavers and is paid for the work the team produces.

No one knows for sure how many work-exploited children there are in the world, because this kind of work is clandestine in most countries; all parties want to conceal it. This year, all over the world, an estimated 52 million children under 15 are working.

The background of this figure, which undoubtedly is much smaller than the reality of the situation, is the population explosion that occurred in many countries during the 1950s and 1960s. The numbers of young people jumped. Out of a total world population in 1975 of 3,968 million about 1,428 million (36 percent) were under 15. In the developed regions, the population under 15 is 25

Parents often launch children on their work lives, in some cases in ways that are tantamount to selling the children.

percent (283 million out of a total of 1,131 million) as against 40.4 percent in the developing regions (1,145 million out of a total of 2,836 million).

In many developing countries, children under 15 make up between 40 and 50 percent of the total population. So, the pressure of young people on the adult labor market in developing countries is many times greater than that in developed countries, where the proportion of youth is lower.

By far the majority of the 52 million child workers, estimated by the ILO, are unpaid family workers, as the following ILO table shows:

Working children under age 15

Region	Total (millions)	Unpaid family workers (millions)	Percentage
World	52.0	41.2	80
South-East Asia..	29.0	23.2	80
East Asia.....	9.1	6.4	70
Africa	9.7	9.2	95

In developed countries, thanks to legislation, compulsory schooling, tradition, and economic conditions, the number of working children is low. The exceptions are those who work in agriculture, some street vendors, delivery boys (especially of newspapers) and those working in family businesses. For example, the Year Book of Labor Statistics published by the ILO quotes a figure of 327,000 workers under 15 in the United States, in all economic activities. The majority of these are in agricultural work.

In some countries, parents customarily put children to work at household chores, in the fields, or on other family tasks when they are still at an early stage of physical development. In some places, children may be apprenticed to a craft at a tender age—sometimes at 6 or 7. However, most working children are between 13 and 15 years old.

In general, the intensity and the duration of the work they perform increases as the years elapse, not only because the children grow stronger and more skillful, but also because they spend less time playing and going to school.

The age at which domestic servants are hired ("adopted" in many instances) usually varies between 9 and 10. In some countries, children may be declared to be older than they actually are to make it look as though they are legally on the job.

The statistics show that in the developed countries, most children who work do so in agriculture, in family or nonfamily businesses during school holidays and outside school hours, and above all, at harvest and sowing time, on a wide range of jobs that may at times be strenuous and dangerous.

In the developing world, child labor is most common in agriculture, followed by the services, mostly provided on the street, and lastly, in industry. The coffee bean is harvested by women helped by their children. In many countries, whole families move from one farming area to another, following the harvest seasons.

The parents often launch children on their work lives, in some cases in ways that are tantamount to selling the children or giving them away. When children begin jobs on the street, it is often the parents or relatives who first push them into it. Female domestic servants are handed over by their parents to their future employers so that they can be "adopted" as very unequal members of the households.

In parts of Africa, Latin America, Asia, and southern Europe, parents have been known to hand over their children from the age of 8 or 9 years, to work as farm laborers or shepherd boys. In return the parents usually receive a small loan or payment in cash or in kind. We have already noted the case of Altamura, in Italy. In South and Southeast Asia, some employers are reported to take possession of children, against their will, and exploit them ruthlessly.

The Minority Rights Group has reported to the United Nations that children often are sold to factories in Thailand for $200 to $400 by unscrupulous employment agencies. The International Union for Child Welfare also has

reported to the United Nations on the sale of children in Southeast Asia.

Under these circumstances, the employer is in charge and can fix the conditions of work arbitrarily and unilaterally. The treatment the child gets varies depending on the employer's character, on the mood he is in, and on local custom.

Thus the working children may find that they are imposed upon and treated with neither respect nor consideration. Ill treatment may include corporal punishment, abuses of all kinds, humiliation, and frustration. The possibilities for exploitation are, in practice, unlimited.

If he is lucky, the child may find an employer who is paternalistic, protective, and comparatively generous. Between the extremes, of course, there is a wide range of treatment, but it is predominantly unfavorable because, as we have seen, working children have no way to defend themselves.

Ironically, children would be better off if they were working in the formal sector. But they are legally prohibited from doing so, and in the formal sector the prohibition is in fact applied effectively. So children are thrown back into the informal sector, where working conditions are poor, and where, it goes without saying, there are no welfare facilities, no work rules, low pay, and no future.

Chapter III

Small Hands and Nimble Fingers

Forcing children to work catapults them from childhood into premature adulthood. Skipping all the problems and interests of normal childhood has a permanent limiting effect on their later lives.

In Pakistan, the carpet industry employs many young girls. Tiny fingers fly over the looms and tie tighter knots; this makes the carpets last longer, look better, and sell for higher prices. The little girls with the small hands and nimble fingers are also said to be of an age that enables them to pick up easily the methods and skills of carpetmaking. They are said to work faster than adults; they are paid much less. The demand for carpets is great, so the government doesn't discourage the use of these fine hands. Besides, the family couldn't afford to send them to school anyway. These are reflections of Sabeeha Hafeez, in a special report to the ILO on child labor in Pakistan.

But even here, in a fairly skilled trade, little girls are losing interest in the carpet industry. They are affected by the drawbacks of working so young, just like their sisters and brothers doing more menial work in other countries and other trades. They have little time for playing, and for healthful exercise, at a time of life when these things are important for their development. When they do go to school, fatigue cuts concentration and results in repeated failure or lack of progress. There is neither the time nor the energy to learn; the children are unable to develop their minds. Blocked in an unskilled working life, their aspirations become blocked at a low level.

Although it is normal for underprivileged children to work, the fact that they do work sets them apart. Whatever their numbers and whatever percentage of the population they represent, they are on the fringe of society, a society which contains so many groups more skilled than they, and with greater influence. Lack of educational and vocational training, and their own increasing awareness as they grow older of the gap that separates them from others, result in an increasingly narrow outlook.

As a rule, when children perform stultifying, precarious, and insignificant work from an early age, they seldom are able to acquire qualifications for more skilled work.

It is therefore likely that those who start work at a tender age will spend their whole lives at the bottom of the social ladder, performing routine unskilled jobs, most vulnerable to layoffs.

Studies available at the International Children's Center show that many of the jobs done by children hurt their physical development, result in deformities, and a range of illnesses such as skin troubles, bronchitis, and tuberculosis. Growing bodies suffer from the effects of fatigue and overexertion, and from poor hygienic conditions such as excessive heat, bad weather, and prolonged contact with dust.

An experiment carried out recently in Japan on young workers and on students found that until they reached the age of 12 there was no difference in height between children in the two groups. However, those who began work before they were 14 were subsequently found to be an

average of 4 centimeters shorter than the students who entered working life after 18.

Heavy loads and awkward body positions arrest the growth of bones in children. Deformation of the spinal column, pelvis, or thorax can also result from bending under heavy burdens or remaining in an unnatural position for a long time.

There are also serious mental repercussions. Forcing children to work under conditions of exploitation, making work the most important thing in life, catapults them from childhood into premature adulthood. Skipping all the problems, motivations, and interests of normal childhood has a permanent limiting effect on their later adult lives.

Play is important in any child's life, but the child worker lives without satisfying this natural urge. We all know of the vivid imaginations that children have, and the fantasy world they often retreat to. There is no room for day dreaming in the minds of working children. They have more serious things to think about. Creativity and ability to cut through reality are thus dulled, and the world is a less exciting place.

When children begin to earn money, they feel grownup and more important. They get more praise from their parents, and greater esteem from their friends. They feel "ahead" of other children of their age, because they are working alongside adults and sometimes have money in their pockets. They have a decisionmaking role among those around them; they feel freer than before. They think they really are somebodies.

The price they will pay later for growing up so soon will be too high.

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Chapter IV

The Theory and the Practice

Both the authorities and the general public feel that if the law against child labor is enforced, things will get worse rather than better. The reality is that either children work, or they die of hunger, along with their families.

Child labor is actually on the increase, despite the fact that nearly every country in the world has laws to control it. These generally set a minimum age below which young people are not allowed to work. This age varies from one country to another, from 12 to 16, and even within these limits there are many exceptions.

Some countries, for example, allow work at the younger age when the work is nonindustrial or is light. Other countries have raised the minimum age for work that is dangerous or potentially harmful to health. Some countries impose no minimum age for domestic service.

The largest number of children who work do so in agriculture, both in the developed and the developing countries. Governments approach the problem in several ways; in about 50 countries the same minimum wage that applies to industry also applies to agriculture; in about 20 others, a lower age limit is permitted for agricultural work. Some countries limit the scope of the law in the agricultural sector, while others exclude this sector altogether.

Here are examples of minimum age laws. France, Norway, and the United Kingdom set 16 years as the minimum age for admission to employment.

In Japan the general target is 15, the age when compulsory education ends. But children can work from the age of 12, outside school hours, in specified light jobs not harmful to their health.

In India, the legal minimum age ranges from 12 to 15, depending on the sector of activity.

In Senegal, 14 is the minimum age, with authorization for 12- to 14-year-olds to do domestic work or light and seasonal tasks, if they have the permission of their fathers or tutors.

In Argentina, fourteen is the limit, but exceptions can be made, allowing children from 12 to 14 to work in the family businesses or elsewhere when competent authority has ruled that work is necessary if the child is to survive.

The minimum of 16 is relaxed in the United Kingdom for part-time work and work during school holidays. These jobs may be taken by children from 13 to 16.

In many countries, the difficulties arise when applying the existing laws; this varies widely from one country to another, and from one work sector to another.

The use of child labor in carpet factories in Morocco violates basic human rights and domestic legislation. Yet, the employment of children is expanding rapidly with the growth of the industry.

Moroccan labor legislation represents a genuine desire to safeguard the welfare of the worker. It remains a matter of some surprise and concern that such a gap should exist between the theory and the practice.

Minimum age laws are fully respected in the modern sector of the economically developed countries, fairly well applied in the modern sector of the economically less developed countries, and practically impossible to apply in agricultural undertakings, where a tremendous number of

Many delegates argued that a minimum age of 15 was unrealistic in the developing countries, because of the social and economic conditions.

children are kept hard at work, either breaking the national laws or regulations or working without any legal protection at all.

In both the agricultural and the urban sectors, children who work in family undertakings are either excluded from the coverage of the relevant legislation or derive only piecemeal benefit therefrom. The lawmakers must have had sound reasons for allowing these exceptions, however, the fact that they did not attack the phenomenon in the very sector where child labor is the most widespread reduces the effect of any legislative measure aiming to protect working children.

Many children are out of reach of the laws' protection in the street trades and in the small undertakings of the informal sector, which more often than not are not even registered with the authorities. Here the relationships between employer and worker are not governed by laws, but rather by tradition and custom. Many employers and workers in this sector have never even heard of minimum age laws.

The general public takes child labor for granted, without thinking too much about it; the authorities usually close their eyes to it. Both the authorities and the general public feel that if the law is enforced, things will get worse rather than better. That is, where poverty is rife, to take children away from their work and to eliminate exploitation will not enhance their lives. The reality is that either children work, to the detriment of their physical and mental well-being, or they die of hunger, along with their families.

In most countries labor inspection is practically nonexistent in agriculture, where the majority of children are working. The distances are too great, and the number of inspectors needed too large for many countries to afford them. A similar situation exists for the tremendous number of small businesses in the informal sector; there are just not enough inspectors to do the job properly.

Labor inspection, nonetheless, has registered several successes in the past few years. Inspection authorities in Hong Kong and Italy have become alarmed over the numbers of children working illegally. Inspection campaigns have been organized solely for child labor violations. In both countries, inspectors uncovered many cases and applied the law. In Hong Kong, with its small area and high industrialization, the results were so effective that the authorities hope to stamp out child labor completely and to introduce other social welfare measures for children. In Italy, however, although the inspections have revealed the size of the problem, they have not yet solved it.

In Indonesia a wide range of labor inspections against child labor has also been carried out.

National legislation on child labor is based mostly on ILO standards. Convention 138, adopted in 1973, provides that the minimum age for admission to employment should be raised progressively to a level consistent with the fullest physical and mental development of young persons, and that it shall not be less than the age of completion of compulsory schooling, or in any case, not less than age 15.

During the debate on the 1973 Convention, many delegates argued that a minimum age of 15 was unrealistic in the developing countries, because of the social and economic conditions. If the standards were too high, it was argued, they would not be enforced in the developing countries, and would therefore remain a dead letter.

One suggestion was to proceed by gradual stages since the period of compulsory schooling, where it existed, did not reach 15 years; further it was argued, the children of the Third World had to work before that age to help their families survive.

The Convention therefore admits the possibility of fixing the minimum age at 14 in countries whose economy and educational facilities are insufficiently developed. It provides that children aged 13 to 15 may be granted permission to perform light work under certain conditions, and that until the age of 18 young persons may not perform work which is likely to jeopardize their health, safety, or morals.

Its corresponding Recommendation 146 lists the measures that should be taken to protect the working conditions of children and adolescents whose employment is permitted by virtue of the Convention, and proposes that the minimum age should be raised progressively to 16. Also, to help in the application of the Convention, it calls for:

Measures aimed at achieving full employment of adults;

the progressive extension of other economic and social measures to alleviate poverty, so as to make resorting to child labor unnecessary;

adoption and extension of social security and family welfare measures, including children's allowances;

development and extension of adequate facilities for education and vocational guidance and training;

adoption of special measures for children who do not have families or do not live with them, as well as for migrant children; and

the introduction of compulsory full-time attendance at school or participation in vocational training courses, at least up to the age of 15.

Chapter V

Not By Laws Alone

It is self-evident that when child labor is prohibited by law, the law cannot protect child workers since legally they do not exist. If children have to work, a government's first obligation is to make their jobs safe, healthy, and humane.

The main purpose of the ILO study, Children at Work, *was to analyze the causes of child labor, and to put forward possible solutions. In the early stages of the study, the ILO saw that "modern legislation, which was created in response to the needs of a specific socio-economic situation and was well adapted to meet these needs, is ill adapted to the conditions prevailing in vast areas of many countries."*

Other actions were required. This does not mean that the ILO is abandoning its drive for application of overall standards aimed at eventual eradication of child labor. It does mean that in the meantime, governments, parents, and the general public should recognize the widespread existence of child labor, and begin short-term, emergency action to protect children who are obliged to work.

The following chapter is a summary of ILO proposals for future action.

Child labor cannot be legislated away; its roots lie deep in poverty, in entrenched custom and tradition, and in attitudes that have prevailed over many years.

The extent of the problem is clear; it continues to spread, and the dangers it brings and the harm it causes affect this and future generations. Although it is only one aspect of a broader social and economic picture, its repercussions outweigh many other social flaws.

It is self-evident that when child labor is purely and simply prohibited by law, the law cannot then introduce measures to protect child workers, since legally they do not exist. Until the present legislation can assume the truly protective role for which it was devised, special measures should be taken *now* to protect children.

If children have to work, and some unfortunately do have this need, a government's first obligation is to make their jobs safe, healthy, and humane.

Efforts should be continued to enforce the existing legislation aimed at elimination of child labor, but this legislation should be complemented with practical measures of social policy.

A remedy for exploitation of children in carpet manufacturing in Morocco cannot be found in isolation from broader social and economic issues. However, the employment of children from age 8 to 12 years, for as long as 72 hours per week, often for no pay at all, should not be tolerated in any country.

Any government that wants the respect of the world community should find a way to enforce its own laws on child labor. A complete turnabout in people's attitudes is needed. It must be made clear that children are not born to undertake stultifying work, because their physical and mental characteristics are not sufficiently developed to enable them to cope with the demands made on them by work. On the contrary, they need to lead a life in which education and recreation play a large part. Children are not adults in miniature, nor are they machines or beasts of burden.

Social policy programs should aim directly at

If parents really knew what the results will be, they would not be so anxious to send their children off to the labor market.

attacking poverty and some of its effects, such as the breaking up of the family, school absenteeism, and the lack of healthy leisure activity.

Attendance at school should not be an unattainable ideal for children who come from the poorer social classes or who live in rural areas. Nor should the number of children without adequate education be increased by school dropouts. Universal compulsory education should be one of the permanent features of national life.

Governments could provide for special allowances to low-income families who can prove their children are not working but are attending school. Financial support is not available in most developing countries. Yet much depends on the importance which they ascribe to having a generation of young people who are healthy and educated. A determined political will and a radical change in priorities in their respective national budgets is needed.

Today's most advanced countries owe a great deal of their progress to the introduction of universal compulsory education.

People in many Third World countries often complain that today's education is too theoretical, too academic, and has little to do with real life. Many in rural areas see it as useless. The content of education should be adapted in part to meet local needs and should contain practical elements, including some "prevocational" training.

During this prevocational stage the children could begin to do productive work—not, however, under conditions of deadening exploitation. This would at the same time prepare them to find jobs, undertake skilled work, earn higher wages, and advance toward better lives.

It seems undesirable to provide an exclusively pragmatic form of education, for general culture is both necessary and beneficial; everyone should have access to it. The ideal formula would combine a general cultural education with practical training.

Up to the present, unions have paid little attention to child workers. There has been no organized and forceful body to concern itself with removing children from the labor force altogether.

Trade unions in the developing world should be convinced of the need to insist on firm application of existing legislation on minimum age, not only because of the physical and mental harm to children, but also for adult workers' self-interest. Every child who works does so in place of an adult; every cent a child earns reduces adult earnings.

Many adult workers would prefer to continue turning a blind eye to the problem, since they themselves, dogged by poverty, believe it is a sound policy to send their children out to earn more money. In spite of this, if trade unions and their federations at the local, national, and international levels fully comprehend the problem and tackle it vigorously, positive results should soon be achieved.

Everybody involved in child labor—the children who work, their parents, employers, social assistance institutions, unions, and governments—need to be told the harm that work can do to children, to the society they are a part of, and to the generations to come. They also need to know the benefits that could come from other solutions; they need to know the difference between light, educational work and harmful exploitation. Sometimes direct knowledge of the facts can be a potent dissuader.

Governments should launch regular education campaigns to make this information more widely known. Radio, television, the press—all could participate. The parental attitude is a key to the entire situation. If parents really knew what the results will be, they would not be so anxious to send their children off to the labor market.

Scientific institutions could study in detail the various tasks that children undertake in a country, and publish an analysis of the possible repercussions on the life and physical and mental health of children. These studies should be disseminated as widely as possible.

The exploitation of children is found for the most part in those developing societies which have to satisfy their immediate basic needs within a modern marginal framework or during a modernization program. Gradual elimination of child labor will not be achieved in isolation from other social changes but will be an integral part. Many times during the history of mankind, whole peoples have been induced to change their economy, their social organization, and their traditional attitudes. The overcoming of resistance to change carried out by rational and peaceful methods will accelerate the achievement of the desired results.

Whatever the national situation, it falls to individual governments to set as their target the structural changes that seem essential, bearing in mind the present state of society, its needs and its aspirations.

In the final analysis, it is only the governments themselves that can reorder national priorities to stop the wholesale destruction of a helpless, though vital, part of their society—their children. It is nearly past time to begin.

Appendix A

On 20 November 1959, the General Assembly of the United Nations unanimously adopted the Declaration of the Rights of the Child. The spirit of the document was reflected in the preamble, which said, in part, "mankind owes the child the best it has to give." Many of the rights and freedoms set forth in the Declaration were restatements of sections of the 1948 Universal Declaration of Human Rights and other earlier documents, but the international community was convinced that the special needs of the child were so urgent that they called for a separate, more specific declaration.

On 21 December 1976, the General Assembly adopted a resolution declaring 1979 the International Year of the Child. The resolution encourages all countries, rich and poor, to review their programmes for the promotion of the well-being of children, and recalls that the year 1979 would be the twentieth anniversary of the Declaration of the Rights of the Child and could serve as an occasion to promote further its implementation.

The full text of the United Nations Declaration of 20 November, 1959, is reproduced below. In ten carefully worded principles the Declaration affirms the rights of the child to enjoy special protection and to be given opportunities and facilities to enable him to develop in a healthy and normal manner and in conditions of freedom and dignity; to have a name and a nationality from his birth; to enjoy the benefits of social security, including adequate nutrition, housing, recreation, and medical services; to receive special treatment, education and care if he is handicapped; to grow up in an atmosphere of affection and security and, wherever possible, in the care and under the responsibility of his parents; to receive education; to be among the first to receive protection and relief in times of disaster; to be protected against all forms of neglect, cruelty, and exploitation; and to be protected from practices which may foster any form of discrimination. Finally, the Declaration emphasizes that the child shall be brought up "in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood."

Declaration of the Rights of the Child

Preamble

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom.

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children.

Whereas mankind owes to the child the best it has to give.

Now therefore, The General Assembly proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

PRINCIPLE 1

The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

PRINCIPLE 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

PRINCIPLE 3

The child shall be entitled from his birth to a name and a nationality.

PRINCIPLE 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

PRINCIPLE 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

PRINCIPLE 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

PRINCIPLE 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

PRINCIPLE 8

The child shall in all circumstances be among the first to receive protection and relief.

PRINCIPLE 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

PRINCIPLE 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

Publicity to be given to the Declaration of the Rights of the Child

The General Assembly,

Considering that the Declaration of the Rights of the Child calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize the rights set forth therein and strive for their observance,

1. *Recommends* Governments of Member States, the specialized agencies concerned and the appropriate non-governmental organizations to publicize as widely as possible the text of this Declaration;

2. *Requests* the Secretary-General to have this Declaration widely disseminated and, to that end, to use every means at his disposal to publish and distribute texts in all languages possible.

Appendix B

ILO Convention 138

Convention Concerning Minimum Age for Admission to Employment.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that this instrument shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and education facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement—

(a) that its reason for doing so subsists; or

(b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article—

(a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

(b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after con-

sultation with the organisations of employers and workers concerned, where such exist, and is an integral part of—

(a) a course of education or training for which a school or training institution is primarily responsible;

(b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

(c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—

(a) not likely to be harmful to their health or development; and

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted—

(a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention.

(b) in respect of non-industrial employment as defined in the Minimum Age

(Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall *ipso jure* involve the immediate denunciation of that Convention.

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention.

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention.

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention.

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention—

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of

denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(*a*) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(*b*) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French version of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Fifty-eighth Session which was held at Geneva and declared closed the twenty-seventh day of June 1973.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1973.

The President of the Conference,
BINTU'a TSHIABOLA

The Director-General of the International Labour Office,
WILFRED JENKS

Appendix C

ILO Recommendation 146

Recommendation Concerning Minimum Age for Admission to Employment.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and

Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and

Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

I. National Policy

1. To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

2. In this connection special attention should be given to such areas of planning and policy as the following:

(a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;

(b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income

which are such as to make it unnecessary to have recourse to the economic activity of children;

(c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;

(d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;

(e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.

3. Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.

4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.

5. (1) Consideration should be given to measures such as preparatory training, not involving hazards, for types of employment or work in respect of which the minimum age prescribed in accordance with Article 3 of the Minimum Age Convention, 1973, is higher than the age of completion of compulsory full-time schooling.

(2) Analogous measures should be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than the age of completion of compulsory full-time schooling.

II. Minimum Age

6. The minimum age should be fixed at the same level for all sectors of economic activity.

7. (1) Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.

(2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.

8. Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at

least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

III. Hazardous Employment or Work

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.

(2) The list of types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

IV. Conditions of Employment

12. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

13. (1) In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to—

(a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;

(b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;

(c) the granting, without possibility of exception save in genuine emergency, of

a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;

(d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;

(e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;

(f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

(2) Sub-paragraph (1) of this Paragraph applies to young seafarers in so far as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

V. Enforcement

14. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include—

(a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and

(b) the strengthening of services for the improvement and inspection of training in undertakings.

(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

15. Special attention should be paid—

(a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and

(b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

(a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

(b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;

(c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Fifty-eighth Session which was held at Geneva and declared closed the twenty-seventh day of June 1973.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1973.

The President of the Conference.
BINTU'a TSHIABOLA

The Director-General of the International Labour Office,
WILFRED JENKS

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